

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

**NICOLE MATTHEWS,**

**Plaintiff,**

**vs.**

**NANCY A. BERRYHILL,**  
*Acting Comm'r of Soc. Sec.,*

**Defendant.**

) **CASE NO. 1:17-cv-01544-DAP**  
)  
) **JUDGE DAN AARON POLSTER**  
)  
) **ORDER ADOPTING REPORT**  
) **AND RECOMMENDATION**  
)  
)  
)

Before the Court is the Report and Recommendation of Magistrate Judge David Ruiz ("R & R"), Doc #. 12, which recommends that the Court affirm the Commissioner's final decision. The R & R was filed on June 19, 2018. It is now July 9, 2018, and no objections to the R & R have been filed.

Under the relevant statute,

Within fourteen days after being served with a copy, any party may serve and file written objections to such proposed findings and recommendations as provided by rules of court. A judge of the court shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.

28 U.S.C. § 636(b)(1). The failure to timely file written objections to a Magistrate Judge's R & R constitutes a waiver of the right to obtain a *de novo* review of the R & R in the district court. *United States v. Walters*, 638 F.2d 947, 949–50 (6th Cir. 1981); *Thomas v. Arn*, 474 U.S. 140, 149–50 (1985). The failure to file written objections also results in a waiver of the right to appeal. *Thomas v. Arn*, 728 F.2d 813 (6th Cir. 1984), *aff'd*, 474 U.S. 140 (1985).

Here, the time for objection has passed and no objections have been filed. Nonetheless, the Court has reviewed the Magistrate Judge's thorough R & R. The Court agrees with the Magistrate Judge that the ALJ properly considered the treating physicians statements and articulated good reasons for not adopting his opinions. Additionally, the treating physicians unexplained checklist/checkbox opinions did not sufficiently support significant standing/walking and lifting restrictions assessed. Consequently, the Court agrees with the Magistrate Judge that the Commissioner's final decisions should be affirmed.

Accordingly, the Court ADOPTS the R & R, Doc. # 12, in full and DISMISSES the above-captioned case.

IT IS SO ORDERED.

/s/ Dan A. Polster      July 9, 2018

**DAN AARON POLSTER**  
**UNITED STATES DISTRICT JUDGE**